



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEAN OSBORNE BRUCE,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

ORDER TO ANSWER, 28 U.S.C. § 2255

13 Civ. 5886 (AKH)

04 Cr. 119-06 (AKH)

ALVIN K. HELLERSTEIN, United States District Judge:

The Court, having concluded that the motion brought under 28 U.S.C. § 2255 should not be summarily dismissed as being without merit, hereby ORDERS that:

The Clerk of Court shall notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this Order has been issued.

The U.S. Attorney's Office shall file a notice of appearance within fourteen days of the date of this Order.

The Movant, within 30 days of the date of this order, shall file a supplemental brief explaining the legal basis for the relief he seeks. The brief shall show Movant's diligence in locating, obtaining, and presenting to court evidence of his actual innocence, and what effect any lack of diligence should have on his claim of actual innocence. See McQuiggin v. Perkins, 133 S.Ct. 1924 (2013).

Within 30 days after Movant files the supplemental brief, Respondent shall file an answer or other pleadings in opposition to the motion, along with transcripts of any relevant

proceedings not already contained in the record. The motion will be considered fully submitted once Respondent makes this filing.

SO ORDERED.

Dated: September 16, 2013
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge